

1 GLENN H. TRUITT, ESQ.
2 Nevada Bar No.: 12506
3 glenng@halfpricelawyers.com
4 MARK H. HUTCHINGS, ESQ.
5 Nevada Bar No.: 12783
6 mark@halfpricelawyers.com
7 TRUITT & ASSOCIATES
8 330 E. Charleston Blvd., Suite 100
Las Vegas, NV 89104
(702) 400-0000
(702) 400-0001 (fax)
Attorneys for Plaintiff

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 DAVID BRIGHAM YOUNG,
12 Plaintiff,

13 vs.

14 MERCURY CASUALTY COMPANY,
15 Defendants.

16 CASE NO.: 2:12-CV-00091-KJD-GWF

17 **PETITION FOR ORDER FOR
APPOINTMENT OF GUARDIAN
AD LITEM**

18 Petitioner, David Brigham Young, by and through his attorney, Glenn H. Truitt, Esq.,
19 hereby Petitions the Court, for appointment of a guardian ad litem, to represent him in this action,
20 pursuant to Fed. R. Civ. P. 17(c) and states as follows:

21 1. Petitioner is the Plaintiff, David Brigham Young (“Young”) in this action and is 55 years
22 old and living alone on social security disability, well below the recognized national poverty level,
23 and due to the physical injuries he sustained in multiple motor vehicles accidents, including injuries
24 to his brain, that resulted in two neck fusion surgeries and the physical and mental stress and related
25 medications, he is severely impaired and not fully competent to assist his counsel in this action.¹
26

27
28 ¹ See Exhibit 1 Medical Records from Valley Hospital and Dr. Sinai & Expert Report from Alan S. Berman, M.D.

1 Attached hereto is the Declaration of Young's prior attorney, Richard S. Small, Esq., who
 2 represented Young, during a related Interpleader action between the parties herein, that describes
 3 his observations of Young and his obvious prior and current need for a guardian ad litem or next of
 4 friend in the Interpleader action and in this action.²

5 2. This is the second action filed by Plaintiff against Defendant Mercury Casualty Company
 6 ("Mercury"), the first action, upon information and belief, was dismissed without prejudice,
 7 pursuant to Stipulation of the parties, allowing the parties to engage in private binding arbitration,³
 8 except for any insurance bad faith and related claims, in *David Brigham Young, by and through his*
 9 *Guardian Ad Litem, Mercedes Broughton, v. Mercury Casualty Company*, Case No. 2:09-cv-
 10 02399-JCM-LRL.

12 3. In the first action, Petitioner Young, was appointed a Guardian Ad Litem, by a Nevada
 13 District Court Judge, when the action was first filed in State Court, before removal to this Court, in
 14 *David Brigham Young, by and through his Guardian Ad Litem Mercedes Broughton v. Mercury*
 15 *General Corporation, et.al.*, Case No. A09-603171-C. See Ex."3," Order Appointing Guardian Ad
 16 Litem, dated November 12, 2009.

18 4. After dismissal of the first action and decision in the private binding arbitration between the
 19 parties herein, Defendant Mercury, filed an Interpleader action in Nevada State Court, interpleading
 20 the proceeds of Young's uninsured motorist funds, entitled: *Mercury Casualty Company v. David*
 21 *Young, et.al.*, Case No. A-11-641139-C.⁴ This Interpleader Complaint also names Young's
 22 guardian ad litem, Mercedes Broughton as a party defendant.⁵ The Interpleader action was settled
 23 on or about June 14, 2012 and the guardian ad litem, resigned her appointment. Once the action
 24

27 ² See Exhibit 2 Declaration of Richard Small, Esq.

28 ³ See Exhibit 3 Stipulation for Binding Arbitration;

28 ⁴ See Exhibit 4 Complaint in Interpleader, Case No A09-603171-C

28 ⁵ See Exhibit 5 Order Appointing Mercedes Broughton as Guardian Ad Litem for David Brigham Young

was dismissed, the appointment of the guardian ad litem also ended by operation of law. Nonetheless, Young was represented by a guardian ad litem, in two actions.

5. There is no current or prior general or special guardian for Petitioner.

6. Robert Ansara, whose address is P.O. Box, Las Vegas, Nevada 89173, is an experienced guardian for other individuals and has been appointed guardian ad litem in other actions in Nevada State Court, is a competent and responsible person, and fully competent to act as my guardian ad litem.

7. Said Robert Ansara is willing to act as guardian ad litem for Petitioner Young, as appears his consent below.

WHEREFORE, Petitioner moves the Court for an order appointing Robert Ansara, as guardian ad litem, for the purpose of bringing action against Mercury as pled in Young's complaint.

DATED this 17th day of September, 2013.

TRUITT LAW GROUP
By: Glenn H. Truitt
GLENN H. TRUITT, ESQ.
Nevada Bar No.: 12506
MARK H. HUTCHINGS, ESQ.
Nevada Bar No.: 12783

CONSENT TO APPOINTMENT OF GUARDIAN AD LITEM

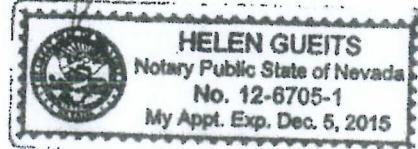
I, DAVID BRIGHAM YOUNG, hereby consent to the appointment of Robert L. Ansara as my Guardian Ad Litem. I am asking the Court to grant the Application to Appoint [Robert L. Ansara to serve as my] Guardian Ad Litem.

DATED this 17 day of September, 2013.

SUBSCRIBED and **SWORN** to before me
this 17 day of September, 2013.

NOTARY PUBLIC in and for said County and State

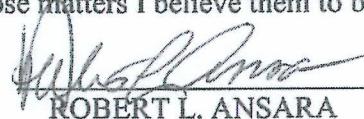
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VERIFICATION

1 STATE OF NEVADA)
 2) ss:
 3 COUNTY OF CLARK)

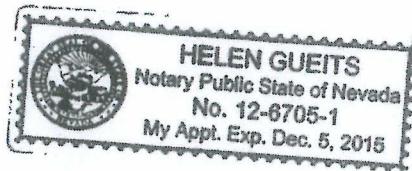
4 ROBERT L. ANSARA, under penalties of perjury, being first duly sworn, deposes and says:
 5 That I am the Applicant; I have read the foregoing Application for Appointment of Guardian
 6 Ad Litem and I know the contents thereof; the same is true of my own knowledge, except for those
 7 matters stated upon information and belief, and as to those matters I believe them to be true.



ROBERT L. ANSARA

8
 9 SUBSCRIBED and SWORN to before me
 10 this 17 day of September, 2013.

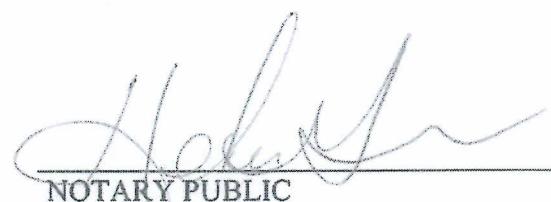

11
 12 NOTARY PUBLIC in and for said
 County and State

**ACKNOWLEDGMENT**

13
 14 STATE OF NEVADA)
 15) ss:
 16 COUNTY OF CLARK)

17 On this 17 day of September, 2013, before me, the undersigned Notary Public in and for
 18 the said County and State, personally appeared ROBERT L. ANSARA, known to me to be the
 19 person described in and who executed the foregoing Application for Appointment of Guardian Ad
 20 Litem, and who acknowledged to me that he did so freely and voluntarily and for the uses and
 21 purposes therein mentioned.

22 WITNESS my hand and official seal.



NOTARY PUBLIC

